

**CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C.**  
COUNSELLORS AT LAW

CHARLES C. CARELLA  
BRENDAN T. BYRNE  
JAN ALAN BRODY  
JOHN M. AGNELLO  
CHARLES M. CARELLA  
JAMES E. CECCHI

JAMES D. CECCHI (1933-1995)  
JOHN G. GILFILLAN III (1936-2008)  
ELLIOT M. OLSTEIN (1939-2014)

JAMES T. BYERS  
DONALD F. MICELI  
A. RICHARD ROSS  
CARL R. WOODWARD, III  
MELISSA E. FLAX  
DAVID G. GILFILLAN  
G. GLENNON TROUBLEFIELD  
BRIAN H. FENLON  
LINDSEY H. TAYLOR  
CAROLINE F. BARTLETT

**5 BECKER FARM ROAD**  
**ROSELAND, N.J. 07068-1739**  
**PHONE (973) 994-1700**  
**FAX (973) 994-1744**  
**www.carellabyrne.com**

PETER G. STEWART  
FRANCIS C. HAND  
AVRAM S. EULE  
CHRISTOPHER H. WESTRICK\*  
JAMES A. O'BRIEN III\*\*

OF COUNSEL

\*CERTIFIED BY THE SUPREME COURT OF  
NEW JERSEY AS A CIVIL TRIAL ATTORNEY  
\*\*MEMBER NY AND MA BARS ONLY

RAYMOND J. LILLIE  
WILLIAM SQUIRE  
STEPHEN R. DANEK  
DONALD A. ECKLUND  
MEGAN A. NATALE  
ZACHARY S. BOWER+  
MICHAEL CROSS  
CHRISTOPHER J. BUGGY  
JOHN V. KELLY III  
MICHAEL A. INNES

+MEMBER FL BAR ONLY

November 23, 2018

**VIA ECF**

Honorable Madeline Cox Arleo  
United States District Judge  
United States District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building  
50 Walnut Street  
Newark, NJ 07101

Re: Alpha Cepheus, LLC, et al. v. Chinh Chu, et al.,  
Civil Action No. 18-cv-14322 (MCA) (MAH)

Dear Judge Arleo:

We represent Defendants Chinh Chu and Douglas Newton in the above-referenced matter and we write regarding Defendants' Opposition to Plaintiffs' Motion for Reconsideration filed November 21, 2018.

Counsel for Plaintiffs has called our attention to the fact that Monday, November 12, 2018 was observed as a court holiday (Veterans Day) in the District of New Jersey, thereby extending Plaintiffs' deadline for filing a motion for reconsideration to Tuesday, November 13. Accordingly, we do not press our argument in the first paragraph of Section I of our brief that Plaintiffs' motion is void because it is untimely.

We do, however, stand by our position in paragraph two of Section I in arguing that Plaintiffs' lack of urgency in seeking reconsideration (regardless of whether they filed on Day 14 or Day 15) undercuts the credibility of their claim that they require emergency relief from the Court. We also stand by our position in paragraph three of Section I that Plaintiffs cannot avoid the general standards applicable to motions for reconsideration by alternatively styling their application as a "new motion." The fact that we now understand that Plaintiffs took into account Veterans Day in calculating the deadline for their submission reinforces that the motion falls under Local Rule 7.1 and must be judged by the strict standards that apply to motions for reconsideration.

November 23, 2018

Page 2

Thank you for Your Honor's consideration of this matter. We are available at the Court's convenience to answer any questions.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO

*James E. Cecchi*

JAMES E. CECCHI

Cc. All Counsel (via ECF)